

REMARKS

Claims 1 and 4-21 are pending in the present application with claim 6 amended and claims 12, 13 and 15-21 allowed.

In the final Office Action, the Examiner rejected claims 1, 4, 5, 11 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Kohler (U.S. Patent No. 6,140,568). The Examiner rejected claims 6-10 under § 103(a) as being unpatentable over Kohler in view of Humphrey et al. (U.S. Patent No. 3,894,186).

Applicant acknowledges with appreciation the Examiner's consideration of the rejected claims in brief telephone interview on November 16, 2001. In accordance with the interview, Applicant has amended claim 6 to recite a scale designation section that "selects" a scale determining condition and a note determination section that, in accordance with the scale determining condition "selected" by said scale determining condition, determines a particular one of scale notes. The feature of selecting a scale determining condition, such as a 12-tone scale or a 7-tone scale, is not disclosed in either Kohler or Humphrey. Accordingly, amended claim 6 and its dependent claims are patentable over Kohler in view of Humphrey.

With respect to claims 1, 4, 5, 11 and 14, a particular feature of the sound signal analyzing device set forth in these claims is that characteristics of the received sound signal are used to set the parameters for analyzing the signal. For example, one characteristic -- the volume level -- of the received sound signal is used to set a parameter -- the threshold value -- for analyzing the signal. All the claims recite this feature, namely setting "a threshold value for use in the analysis of the sound signal, in accordance with the volume level of the sound signal extracted".

As the Examiner has noted, Kohler does not specifically mention volume thresholds. Indeed, the few references to thresholds in Kohler -- such as a MIDI threshold in col. 5, lines 10-12 and col. 17, lines 18-33 -- suggest a pre-set threshold. These references certainly do not disclose a threshold that is set "in accordance with the volume level of the sound signal

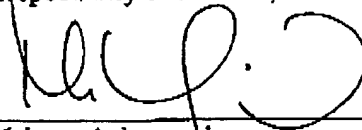
extracted." Applicant respectfully requests that the Examiner specifically identify any section of Kohler that discloses any threshold set in accordance with the volume level of the received sound signal.

In view of the foregoing, Applicant respectfully submits that all of the rejected claims in the present application are in condition for allowance. Reexamination and reconsideration of these claims, as amended, are respectfully requested. If the Examiner feels that it would advance the prosecution of the application, it is respectfully requested that the Examiner telephone the undersigned attorney.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 39303.2009400. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



Dated: November 19, 2001

By:

Mehran Arjomand
Registration No. 48,231

Morrison & Foerster LLP
555 West Fifth Street
Suite 3500
Los Angeles, California 90013-1024
Telephone: (213) 892-5630
Facsimile: (213) 892-5454

VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the Claims:**

6. (Amended) A sound signal analyzing device comprising:
an input section that receives a sound signal;
a pitch extraction section that extracts a pitch of the sound signal received by said input section;
a scale designation section that [sets] selects a scale determining condition; and
a note determination section that, in accordance with the scale determining condition [set] selected by said scale designation section, determines a particular one of scale notes which the pitch of the sound signal extracted by said pitch extraction section corresponds to.